

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

BRANDON HEITMANN,

Debtor.

Chapter 13
Case No. 24-41956-MAR
Hon. Mark A. Randon

MOHAMED SAAD,

Plaintiff,

v.

BRANDON HEITMANN,

Defendant.

Adv. Pro. No. 24-04375-mar
Hon. Mark A. Randon

DEFENDANT'S INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, made applicable to this proceeding by Fed. R. Bankr. P. 7026, Defendant, by and through his attorneys, Kotz Sangster & Wysocki, P.C., provides the initial disclosures set forth below. These disclosures are based on the information reasonably available to Defendant as revealed by the investigation conducted thus far. That investigation is continuing.

The initial disclosure requirements of subparagraphs (i), (ii), (iii), and (iv) of Rule 26(a)(1)(A) are limited to identification of potential evidence relevant to disputed facts alleged with particularity in the pleadings.

Fed. R. Civ. P. 26(a)(1)(A)(i)

The individuals listed below are likely to have discoverable information:

1. Mohamed Saad, Plaintiff, c/o Plaintiff's counsel
2. Rana Fawaz, c/o Plaintiff's counsel
3. Brandon Heitmann, Defendant, c/o the Defendant's counsel of record
4. Amanda Pisarski, Defendant's spouse – c/o Defendant's counsel of record
5. Past employees of Exigent Design and Build
6. Hank Bell/Construction Contractors LLC – c/o Michigan Justice, PLLC, Goran Antovski 586-221-4100
7. Alex and Rebecca Boyd – c/o Law office of John F. Harrington, 586-751-3610
8. Messina Concrete – Performed concrete work on the project
9. All persons, entities, or agencies related to permitting for the project including the City of Dearborn
10. All persons, entities, and agencies listed in Plaintiff's Initial Disclosures
11. All persons or entities identified or referenced in pleadings and/or documents produced by Plaintiff or Debtor
12. Any necessary experts
13. All persons that become known prior to trial
14. All persons needed to introduce or rebut evidence or testimony at trial
15. Defendant reserves the right to supplement or amend these disclosures

Fed. R. Civ. P. 26(a)(1)(A)(ii)

The items which are in the possession, custody, or control of the Defendant:

1. The contract between Exigent and Plaintiff
2. Text messages and emails between Exigent and Plaintiff
3. Invoices of Exigent and subcontractors
4. Photos of the project site
5. Plaintiff's payment history
6. All documents necessary for rebuttal or impeachment
7. All documents identified in Defendant's discovery responses
8. All documents referenced or identified in any of the parties' pleadings, discovery requests, or discovery responses in this adversary proceeding

9. Defendant reserves the right to supplement or amend these disclosures.

Fed. R. Civ. P. 26(a)(1)(A)(iii)

Plaintiff was the first breaching party of the subcontract, refused to make timely payments, and refused to allow Exigent to address any allegedly defective work. Plaintiff's demand for a non-dischargeable judgment against Defendant is based upon false and misleading allegations.

Fed. R. Civ. P. 26(a)(1)(A)(iv)

Defendant does not believe there is an applicable insurance agreement but will supplement this disclosure after further investigation.

Respectfully submitted,

Kotz Sangster Wysocki, P.C.

Dated: January 10, 2025

/s/ *Tyler P. Phillips*

TYLER P. PHILLIPS (P78280)
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/

CERTIFICATE OF SERVICE

I certify that on January 10, 2025, I served a copy of the Defendant's Initial Disclosures using the Court's CM/ECF electronic filing system.

Respectfully submitted,

Kotz Sangster Wysocki, P.C.

Dated: January 10, 2025

/s/ *Tyler P. Phillips*

TYLER P. PHILLIPS (P78280)

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